

REMARKS

By this amendment, claims 1-41 are pending. No claim is canceled, amended or newly added.

The final Office Action mailed January 26, 2006 rejected claims 1-41 under 35 U.S.C. 103(a) as being unpatentable over *Gao et al.* (US 6,707,890) in view of *Hanson et al.* (US 5,864,606).

Applicant respectfully submits that the rejection neglects the context of the pending claim terms and even ignores certain claim terms. Specifically, the present rejection appears to concentrate solely on the claim language “plurality of voice mail systems,” without regard to how these systems operate with respect to the “user.” Notably, the Office Action, on page 3, acknowledges that *Gao et al.* fails to disclose “a plurality of voice mail systems,” and thus, relies on *Hanson et al.* for such a teaching. There is no dispute necessarily that *Hanson et al.* describes multiple voice mail systems, in generalities, but such a generic disclosure falls well short of the specific claim features. The rejection, as explained in the Office Action, misses entirely that the claims recite “retrieving message waiting indication information **from a plurality of voice mail systems designated by a user**, wherein each of the message waiting indication information specifies existence, within the respective voice mail system, of a voice mail message for the user.” There is simply no support within *Hanson et al.* for “a” user to interface with the multiple voice mail systems 40. To the contrary, the multiple voice mail systems 40 serve multiple subscribers (i.e., a single subscriber subscribes only to a single voice mail system).

A close study of the rejection reveals a lack of appreciation for what the claims truly states. That is, the Examiner has interpreted the claims in such a piece part manner that he has neglected the context of the claim terms and even simply ignored claim terms. This latest rejection solely concentrates on the claim language “plurality of voice mail systems,” without

regard to how these systems operate with respect to the “user.” Notably, the Office Action, on page 3, acknowledges that *Gao et al.* fails to disclose “a plurality of voice mail systems,” and thus, relies on *Hanson et al.* for such a teaching. There is no dispute necessarily that multiple voice mail systems, in generalities, are described in *Hanson et al.*, but this generic disclosure falls short of the specific claim features. The rejection, as explained in the Office Action, conveniently detracts from the essence of the claims: “retrieving message waiting indication information **from a plurality of voice mail systems designated by a user**, wherein each of the message waiting indication information specifies existence, within the respective voice mail system, of a voice mail message for the user.” There is no support within *Hanson et al.* for “a” user to interface the multiple voice mail systems 40. Namely, the multiple voice mail systems 40 serve multiple subscribers; i.e., a single subscriber subscribes only to a single voice mail system.

The operation of the *Hanson et al.* system is as follows (Emphasis Added):

Each subscriber who has subscribed to the answering services offered by a service provider is assigned a “mailbox” on a storage media of a particular VMS (“called party’s VMS”) into which messages may be entered by a caller (“calling party”) and subsequently retrieved by the called party. In addition to retrieving messages, a subscriber may access the subscriber’s mailbox and create and transmit messages to another subscriber’s mailbox over the inter-mailbox data network 80. (col. 3: 32-40)

Upon receipt of the message file transmitted by the calling party’s VMS 40, the called party’s VMS 40a stores the message file in the called party’s new message directory in the message database 50a connected to VMS 40a (Step S70). At this time, **the called party’s VMS 40a notifies the called party that a new message is waiting in the called party’s mailbox (Step S80). Such notification of a new message can be accomplished in a convention manner**, such as illuminating a new message indicator light on the called party’s telephone station set 20. (col. 5: 36-45)

Based on the above passages, a particular user subscribes to a single VMS where calling parties may leave their messages. At best, *Hanson et al.* discloses that VMSs corresponding to multiple subscribers are connected to each other over the inter-mailbox data network. There is

no support within *Hanson et al.* or the base reference of *Gao et al.* for a capability to modify the plurality of voice mail systems in the manner claimed.

Even assuming the references were properly combined based on some teaching or suggestion in the references, and assuming the modifications proposed in the Office Action were justified by additional teachings or suggestions found in the references, even the combination does not render the claimed invention obvious. Specifically, none the references taken alone, or in combination, teaches or suggests “retrieving message waiting indication information **from a plurality of voice mail systems designated by a user**, wherein each of the message waiting indication information specifies existence, within the respective voice mail system, of a voice mail message for the user.”

Furthermore, as stated by the CAFC, *In re Sponnoble* (CCPA, 1969), 160 USPQ 237 (Emphasis Added):

“The court must be ever alert not to read obviousness into an invention on the basis of the applicant’s own statements; that is, we must view the prior art without reading into that art appellant’s teachings. ... **The issue then is whether the teachings of the prior art would, in and of themselves and without the benefits of appellant’s disclosure, make the invention as a whole, obvious.... It should not be necessary for this court to point out that a patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified.** This is part of the ‘subject matter as a whole’ which should always be considered in determining the obviousness of an invention under 35 USC 103”

Applicants’ Specification (paragraph [0004]) describes the following problem (which is not recognized by the art of record). For example, if a user possesses multiple voice mail accounts, the user must manually check each one of the telephone stations to determine whether a voice mail message exists in the respective voice mail systems. This task can be cumbersome if

the user has many accounts, and thus, the user is likely to delay in retrieving voice mails. Such delay can pose negative consequences if the message is of great import. Neither *Gao et al.* nor *Hanson et al.* addresses this problem.

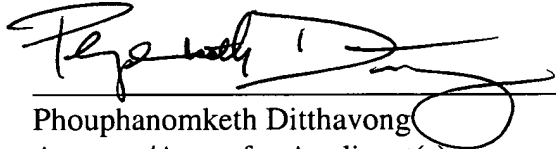
Therefore, Applicant submits that a *prima facie* case of obviousness has not been established.

Therefore, the present application, as amended, overcomes the rejection of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date


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